

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENIECE ILKOWITZ and ADAM ILKOWITZ,

Plaintiffs,

-against-

MICHAEL DURAND, MARLENE ZARFES a/k/a
MARLENE DURAND, ALAN C. PILLA, HOULIHAN
LAWRENCE, INC., JANE H. CARMODY, THE
JUDICIAL TITLE INSURANCE AGENCY LLC, and
ENCO HOME INSPECTIONS LLC.

Defendants.
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Civil Action No.:
1:17-cv-00773 (PGG)

**DECLARATION OF
RICHARD E. LEFF**

RICHARD E. LEFF, declares under penalty of perjury pursuant to 28 U.S.C. §1746 as follows:

1. I am a Partner with the firm of McGivney, Kluger & Cook, P.C., attorneys for defendants Michael Durand and Marlene Zarfes a/k/a Marlene Durand ("Durands"). I am admitted to practice in the State of New York and before the U.S.D.C. for the Southern District of New York. I am fully familiar with the facts, pleadings and proceedings in this action. I submit this Declaration in support of the Durands' Opposition to the dismissal motions submitted by defendants Alan C. Pilla and The Judicial Title Insurance Agency LLC.

2. Attached hereto as Exhibit "A" is a true and correct copy of Plaintiffs' Complaint.

3. Attached hereto as Exhibit "B" is a true and correct copy of Durands' Amended Answer dated February 16, 2017.

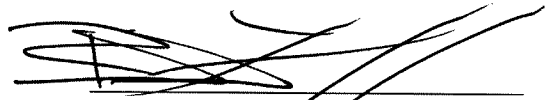
4. Attached hereto as Exhibit "C" is a true and correct copy of the Answer of defendants Houlihan Lawrence, Inc. and Jane H. Carmody, dated April 17, 2017.

5. Attached hereto as Exhibit "D" are true and correct copies of lead paint disclosures provided to Plaintiffs.

6. Attached hereto as Exhibit "E" is a true and correct copy of the Residential Contract of Sale for the subject Property dated March 9, 2015.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, the Court should deny the motions of defendants Alan C. Pilla and The Judicial Title Insurance Agency LLC., in their entirety and for such other and further relief as this Honorable Court deems just and proper.

Dated: New York, New York
July 13, 2017

A handwritten signature in black ink, appearing to read "Richard E. Leff", is written over a horizontal line.

Richard E. Leff (RL-2123)

MCGIVNEY, KLUGER & COOK, P.C.

Attorneys for Defendants

MICHAEL DURAND AND MARLENE

ZARFES A/K/A MARLENE DURAND

80 Broad Street, 23rd Floor

New York, New York 10004

(212) 509-3456